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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

* * *

In re:

DEBRA YOUREN,

Debtor.

Case No.: BK 22-50556-hlb

Chapter 7

**STIPULATION FOR RELIEF FROM
THE AUTOMATIC STAY OF 11 U.S.C. §
362**

Hearing Date: N/A

Hearing Time: N/A

Creditors CLARENCE LAVERE HENRIOD, as an individual and as Trustee of the WILLIAM JOEL HENRIOD and MERLE MAXINE HENRIOD FAMILY LIVING TRUST dated March 31, 2010 (“Clarence”); WAYNE LEE HENRIOD, as an individual and as Trustee of the WILLIAM JOEL HENRIOD and MERLE MAXINE HENRIOD FAMILY LIVING TRUST dated March 31, 2010 (“Wayne”); and DOUGLAS JOEL HENRIOD, as an individual and as Trustee of the WILLIAM JOEL HENRIOD and MERLE MAXINE HENRIOD FAMILY LIVING TRUST dated March 31, 2010 (“Doug,” and, together with Clarence and Wayne, the “Henriods”), by and through their undersigned counsel, and Debtor DEBRA YOUREN (“Ms. Youren”, and, together with the Henriods, the “Parties”), by and through her undersigned counsel, hereby represent, agree, and stipulate as follows:

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RECITALS

A. On or about January 25, 2018, the Henriods filed their First Amended Complaint (“Complaint”) against Ms. Youren in the Fourth Judicial District Court in and for Juab County, State of Utah, Case No. 170600017, alleging claims of quiet title, declaratory judgment, permanent injunction, constructive trust, exploitation and elder abuse, conversion, accounting, and unjust enrichment based on Ms. Youren’s wrongful conduct and exploitation of Bill Henriod while he suffered from Alzheimer’s disease (the “Utah Civil Case”).

B. Early in the Utah Civil Case, the Court granted the Henriods a preliminary injunction wherein Ms. Youren was ordered to give back to the Henriods the Henriod Ranch, cattle, and equipment.

C. On or about April 1, 2022, based on common evidence with the Utah Civil Case, a Utah jury found Ms. Youren guilty of felony exploitation of a vulnerable adult and felony theft following a jury trial in the *State of Utah v. Debra Kay Youren*, Case No. 0191600058, in the Fourth Judicial District Court, Juab County, State of Utah.

D. On July 15, 2022, the Henriods filed their *Motion for Partial Summary Judgment* in the Utah Civil Case.

E. On September 28, 2022, the Court entered its *Order Granting Plaintiffs’ Motion for Partial Summary Judgment* in the Utah Civil Case (“Order”), applying the doctrine of issue preclusion or collateral estoppel, finding that the Ms. Youren converted certain real property, assets, cattle, equipment, and money from Bill Henriod.

F. In its Order, the Court held that “Plaintiffs are entitled to judgment as a matter of law on their claims for exploitation of a vulnerable adult and conversion against Defendant [Ms. Youren].”

G. On October 19, 2023, shortly after the Order was entered, Ms. Youren filed a Chapter 7 Voluntary Bankruptcy Petition (“Bankruptcy Case”), which stayed the proceedings in the Utah Civil Case.

1 H. The Utah Civil Case was nearing completion at the time Ms. Youren commenced
2 her Bankruptcy Case with the Parties having agreed to submit the matter on declarations and trial
3 briefs.

4 I. Ms. Youren did not list the Henriods as creditors in her Schedule E/F, which was
5 filed on December 15, 2022.

6 J. On January 28, 2023, the Henriods commenced an Adversary Proceeding against
7 Ms. Youren by filing their *Complaint Objecting to Dischargeability of Debts Pursuant to 11*
8 *U.S.C. § 523* [ECF No. 3, Adv. Proc.] (“Adversary Complaint”), seeking an order declaring the
9 amounts due to the Henriods to be nondischargeable pursuant to 11 U.S.C. §§ 523(a)(2), 523(a)(4),
10 and 523(a)(6).

11 K. On February 1, 2023, the Summons, Adversary Complaint, and the Standard
12 Discovery Plan and Scheduling Order were served on Ms. Youren by mail at the address listed in
13 her schedules in accordance with Federal Rule of Bankruptcy Procedure 7004. See *Certificate of*
14 *Service* [ECF No. 6, Adv. Proc.]. Ms. Youren’s counsel also received notice of the filing of the
15 Adversary Complaint when it was docketed in the Bankruptcy Case.

16 L. The Henriods filed their Proof of Claim on June 5, 2023, in the amount of
17 \$154,347.11.

18 M. At a status conference conducted by the Bankruptcy Court on July 19, 2023, Ms.
19 Youren’s counsel advised the Court that she would stipulate to lift the stay of 11 U.S.C. § 362 to
20 allow the Utah Civil Case to proceed to final judgment.

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AGREEMENT

NOW, THEREFORE, the Parties stipulate and agree as follows:

1. The Recitals above are incorporated herein as grounds for this Stipulation.
2. The Parties stipulate that the automatic stay 11 U.S.C. § 362 may be lifted to allow the Utah Civil Case to proceed to final judgment.
3. Notwithstanding Fed. R. Bankr. P. 4001(a)(3), the Parties agree that grounds exist for this Stipulation to be effective immediately.

DATED this 31st day of July, 2023.

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McDONALD CARANO LLP

AMENS LAW, LTD.

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